

**Minutes
State Board of Education
Monday, September 27, 2004**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting was called to order at 9:10AM.

Members Present

Ms. Nadine Mathis-Basha, President
Dr. Matthew Diethelm, Vice President
Ms. Armida Bittner
Ms. JoAnne Hilde
Ms. Evangelina "Conkie" Hoover
Superintendent Tom Horne
Ms. Joanne Kramer
Dr. John Pedicone

Members Absent

Dr. Michael Crow

Board Business

Pledge of Allegiance, moment of silence and roll call.

Minutes for State Board of Education

Motion by Dr. Diethelm to approve minutes as submitted for the August 30, 2004 State Board of Education meeting. Seconded by Dr. Pedicone. *Motion passes.*

President's Report

Ms. Basha expressed her appreciation to members, the ADE staff, and the education community for participating in the study session/round table last week. Ms. Basha noted that there are strong issues pertaining to AIMS but that we are not backing off from AIMS. She noted that this is a point in time where input is given in an effort to ensure that children will be successful. The tests will become a tool to help in this process. Ms. Basha added that all comments and good input that were received are being reviewed and documented and will be available as soon as possible. Ms. Basha has received comments that folks are ready to continue dialogue in this area. In addition, the university team will be convened to conduct further research on behalf of the State Board regarding possible barriers to be addressed. Ms. Basha asked Ms. Farley to schedule another study session in October 2004 to continue this dialogue.

Superintendent's Report

Superintendent Horne met with the AIMS test company regarding high school and grades 3-8 tests. Mr. Horne noted that alignment will take place utilizing a vertical scale that will tie continuous student achievement to monitor their overall progress. When teachers set the achievement standards in the Spring by grade level they will be interacting with each other from grade level to grade level. This may cause some changes in performance standards from previous years but they will align with each other. In regard to high school AIMS, Mr. Horne reported that some high school teachers are offering free tutoring and that out of approximately 100 sophomores that did not pass AIMS, only 5 came for the free tutoring. Mr. Horne added that teens oftentimes do things at the last minute, so seniors may be more concerned about their test scores than sophomores. Mr. Horne mentioned this to emphasize that there might be substantial progress coming in students' senior year. Mr. Horne cited Dr. Carol Peck's article in today's Republic about what different schools are doing to assist kids in catching up on AIMS skills. He added that due to the pressure to pass AIMS, students are acquiring important life skills, which is the ultimate objective.

Member Reports

Dr. Diethelm reported the special session was very helpful and expressed his appreciation for the attendance and information from all involved. He noted that Dr. Duvall's description made it clear that the opportunity to give kids what they need to succeed on AIMS is there, but that he does not feel the skills

are present in the leadership or the teachers throughout the state. He added that knowing how to teach to the standards and how to do formative assessment is also not understood. Dr. Diethelm stressed that this should be cookie-cutter technology and that we need to have a blip-screen approach to making sure that all teachers and principals in the state are trained and capable of these skills. He added that there is a need to continuously improve this process as it is the right thing to do. Dr. Diethelm noted that we need a little more urgency in what is being done to make sure people have the proper tools.

Dr. Pedicone stated that we are approaching a point where we have a rare opportunity to examine all aspects of the assessment process. He noted some of the questions that came out in the study session regarded whether or not people were in a position to understand how to use the data as well as concerns about the AIMS assessment process itself. He added that we now have an opportunity for refinement to make sense out of this process and make it fair and understandable for kids.

Ms. Hilde also addressed Dr. Duvall's comments at the study session and noted that they challenged the Board to look at the scoring processes again. Ms. Hilde pointed out that Dr. Duvall's district has experts who compare, contrast and re-configure student information to pinpoint learning but many Arizona districts do not have this ability. Ms. Hilde agreed with Dr. Pedicone in that this is the time to step back and look at the process. She also stated her concern regarding the narrow band between failing and meeting the standard noting that it is time for real introspection.

Ms. Bittner agreed that we don't have the luxury to wait very long. The study session was a learning session for all regarding the complexity of the test and all other impacting issues, and she feels it is wise to have another study session on this subject. She added that she was also impressed with Dr. Duvall's observations and that these issues are near and dear to all small schools.

Director's Report

Ms. Farley thanked members for their participation in the additional study sessions, as regular Board meetings generally are filled with business items making a transition difficult from an open dialogue back to the structured environment of addressing regular business.

Ms. Farley updated members on the rules issues reminding them that as the Attorney General still has packages awaiting approval we are moving forward on other rules packages, including public hearings have been held on procurement rules as well as follow up conversations with districts and the Attorney General's Office regarding the school psychologist rules that are outstanding. Ms. Farley noted that rules packages will be brought to the Board throughout the Fall and Winter. Ms. Farley pointed out that the Default Hearings rules were submitted to the Attorney General's Office at the beginning of June and no response has been received to date. The second rules package regarding Structured English Immersion is awaiting approval and/or feedback from the Attorney General's Office. The appropriate 60-day timeline according to statute for Attorney General's review and response was last Monday for this package.

Ms. Farley noted that this is not a reflection on the attorneys who represent this Board and the ADE. They continue to push all steps forward and approve the packages but the delay seems to be at another level.

Ms. Farley expressed her continued concern noting that she has met with the Attorney General's Office where the need for quick action was discussed. Ms. Farley added that the Governor's Regulatory Review Council (GRRC) has taken some appropriate steps to improve their process and while there have been concerns regarding GRRC in the past, her understanding is that they have made some improvement. Ms. Farley stated she would like to attend some of their hearings on rules packages from other agencies over the next few months and report back as to whether or not this is an efficient system or whether the matter needs to be brought to the Legislature for another alternative. Ms. Farley stated that the ongoing concerns continue, progress has not been made as had been hoped and further recommendations will be forthcoming to the Board. One solution may be to separate and go under the GRRC if this system has been streamlined and no foreseeable roadblocks are noted. In the meantime, she added that we will continue to develop rules and recommended continuing moving through the processes submitting to the Attorney General, so this body acts to its full responsibility.

Ms. Farley added that she will follow up on members' requests to coordinate calendars and schedule a follow-up roundtable discussion in October.

3. SPECIAL PRESENTATION

Presentation and Discussion Regarding the Maricopa Regional Arts and Culture Task Force Report.

Mr. Drew Brown, President, DMB Associates, presented background information of the Foundation and outlined the Summary Report, which was provided to members. Mr. Brown highlighted information in the report via a PowerPoint presentation. (Please see materials in packet). Mr. Brown pointed out the Foundation's recommendations on page iv of the brochure, gave the timeline for the organization of 501C3 status and added that a 501C4 has been organized and funding is being sought. Mr. Brown referred members to their web site links at www.flinn.org or www.pipertrust.org for complete information. Superintendent Horne stated this initiative is to fight the narrowing of curriculum that could eliminate arts and Arizona's efforts have been cited as a good example.

4. CONSENT ITEMS

- A. Consideration to Approve Contract Abstracts
- B. Consideration to Approve Nominations to the Career Ladder Advisory Committee (CLAC).
- C. Consideration to Approve Nominations to the Career and Technical Education Advisory Committee.
- D. Consideration to Accept Monies Under the Stewart 2005 Refugee School Impact Grant and Authorize Expenditure of Funds Consistent with the Terms of the Award.
- E. Consideration to Accept Monies Under the Stewart B. McKinney Homeless Assistance Program.
- F. Consideration to Accept Monies Under the 2005 Johnson O'Malley Grant and Authorize Expenditure of Funds Consistent with the Terms of the Award.
- G. Consideration to Accept Monies From the Chief Council of State School Officers (CCSSO) for the Arizona High School Renewal and Improvement Initiative and Authorize Expenditure of Funds Consistent with the Terms of the Grant.
- H. Consideration to Accept the Voluntary Surrender of the Credentials of the Following Certification Cases:
 - 1. Alivia Fredericksen, Case No. C-2004-110
 - 2. Melissa Hall, Case No. C-2004-128
 - 3. Joseph Mejdrich, Case No. C-2002-070
 - 4. Jess Ramirez, Case No. C-2004-045
 - 5. Mark Anthony Washington, Case No. C-2004-132
- I. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve the Negotiated Settlements For the Following Individuals:
 - 1. Michelle Mioduski, Case No. C-2003-102
- J. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
 - 1. Jacquelyn Kalhdon, Case # C-2004-127 R
 - 2. James Martin Dillon, Case #C-2004-105R
 - 3. Dann L. Miller, Case # C-2002-115 R
 - 4. Brian Reed, Case # C-2004-131 R

Ms. Kramer requested that Item 4J2 be pulled out for separate consideration. Motion by Ms. Bittner to approve the Consent Agenda with the exception of Items 4J2 and 4J3. Seconded by Ms. Kramer. *Motion passes with Dr. Diethelm abstaining on the basis of the following discussion.*

Dr. Diethelm requested clarification and reassurance regarding Item 4A, Contract #3, Teacher Quality Grant and Ms. Farley clarified that the first contract packet was sent before the review committee had

evaluated the RFP responses. Subsequently, a separate list has been included of the possible contracting parties showing the four LEAs that responded, which are Chinle ESD, Phoenix ESD, Mexicayotl Academy and Shonto Preparatory School. Ms. Farley added that a final contract document has been forwarded and the amounts of awards are still under conversation.

Ms. Wiebke noted that postponing this approval would slow down the dispersal of funding on an already tight timeline.

Dr. Pedicone added that this approval is for these four contracting parties to be evaluated through a rubric and based on this scoring the funding amount will be determined according to the qualifying need, and is not to exceed the amount specified in the contract.

Dr. Diethelm stated he is not really comfortable but will yield to the majority.

Item 4J2: James Martin Dillon, Case #C-2004-105R

Mr. Yanez presented background information. (See overview)

Dr. Pedicone noted there were 23 separate points dealing with sexual conduct/contact with students and inappropriate responses and discussions with adults, and the most distressing is touching and sexual references and allowing inappropriate behaviors to take place. Dr. Pedicone expressed concern that the recommendations from the PPAC seem to be different than would normally be seen. He added that the district continues to employ Mr. Dillon but this fact is not as influential on Dr. Pedicone as the evidence in the document.

Mr. Yanez noted that not all charges were found to be true and that this was a difficult decision as evidenced by Mr. Dillon's two appearances before the PPAC. At the second proceeding, the PPAC voted unanimously for the recommendation presented today. Mr. Yanez added that the difference between the two proceedings were observed to be that Mr. Dillon brought several school district personnel who spoke highly and favored his certification.

Ms. Kramer asked how long Mr. Dillon worked in the district where these favorable recommendations were from and Mr. Dillon stated this is his second year. Ms. Kramer asked when the past allegations took place and Mr. Dillon replied that the original allegation of inappropriate touching was October 2001 which did not result in any criminal charges. Mr. Dillon added that less than 5 of the allegations were found to be substantiated, he was not reprimanded and none were in his personnel file.

Dr. Pedicone asked which five allegations; some give great concern.

Mr. Dillon responded they were inappropriate touching and the use of inappropriate names. He added that these were young ladies, that he made some very poor judgments and bad mistakes and has suffered since then. He added that he has worked in at least three different school settings/districts where he has proved that he has learned from those mistakes. He added that he was asked to leave the school district on March 19 and in late May was called back in and introduced to the other various allegations. Since June 2002 he stated he has substituted in Salinas USD, had a full-time three-month job at Valley Christian High School in San Jose, and came back to Yuma a year ago.

Ms. Hilde responded to Dr. Pedicone's questions that her understanding of the sexual touching allegation is that it was inadvertent and was not predatory. Ms. Hilde emphasized that she was not advocating.

Mr. Dillon added that this was on a field in broad daylight where parents were present.

Motion by Ms. Hilde to accept the recommendation of the PPAC and approve Mr. Dillon's application for certification. Seconded by Dr. Diethelm. Roll call vote:

Yes: Ms. Basha, Dr. Diethelm, Ms. Hilde, Mr. Horne

No: Ms. Bittner, Ms. Hoover, Ms. Kramer, Dr. Pedicone.

Motion fails 4 to 4.

Dr. Pedicone noted that more information is needed as to what swayed the PPAC to come to its decision and clarified that Mr. Dillon may continue working until this decision is made.

Ms. Elisia Aguirre represented Mr. Dillon and stated that the allegations were carefully looked at and that when these types of charges are brought against an individual it is usually because a school wants to get rid of someone, but this is not the case. She reiterated that Mr. Dillon made no attempt to hide anything, has paid his dues and is now cleared to teach in California again. Ms. Aguirre stated that Mr. Dillon was

accused of sexual harassment for using the word “utter” and saying “my you’ve grown”. She added that this is farming community terminology and something is wrong when someone is charged for using words that have become politically incorrect. Ms. Aguirre added that many supporters traveled to support Mr. Dillon at the PPAC hearing.

Ms. Kramer added that Mr. Dillon’s comment was very unprofessional. Ms. Kramer noted that she is a teacher and would never speak to a student in that way. She added that students are entrusted to teachers and this pattern of conduct is not appropriate.

Ms. Farley suggested that members may want to go into executive session for advice regarding legal options on these two case and other items on the agenda.

Motion by Ms. Bittner to adjourn into executive session. Seconded by Dr. Pedicone. *Motion passes.*

Meeting adjourned to executive session at 10:15 AM and re-convened at 10:30 AM.

Motion by Dr. Pedicone to remand the matter back to the PPAC for further investigation and to provide State Board members with more information. Dr. Pedicone added that this information should include:

- information from the State of California certifying body and school district in which Mr. Dillon taught;
- context in which the decision for a 90-day suspension was decided;
- reason that California’s certification stopped at the point they did;
- summary of which allegations proved to be true and PPAC’s decision regarding these allegations; and
- what swayed the PPAC in favor of recommending approval for certification.

Motion seconded by Dr. Diethelm. *Motion passes.*

Item 4J3: Dann L. Miller, Case # C-2002-115 R

Mr. Yanez presented background information. (See Board overview)

Mr. Bill Holder, Legal Counsel for Mr. Miller, stated that Mr. Miller was not present at Mr. Holder’s advice. Mr. Holder stated that Mr. Miller was still working in the same district where he has worked for 20-25 years, under three principals and the Human Resources Director, who conducted the investigation. Mr. Holder added that Mr. Miller has been working as a guidance counselor without certification and is now applying for certification. He stated that Mr. Miller took classes at the University of Phoenix regarding helping students who are having sexual identification issues and was instructed in that class to look at web sites that could be helpful in counseling. Mr. Holder stated that in doing so, Mr. Miller stumbled on pornographic sites, quickly went back out of these sites and realized this violated school district policy. Mr. Holder noted that no criminal action was taken and the Human Resources Director, who conducted the investigation has forwarded a letter of recommendation.

Ms. Bittner noted that it is distressing when staff/teachers utilize equipment provided by schools/districts for professional growth. She acknowledged that the information provided by Mr. Holder clarified Mr. Miller’s usage was to be able to serve students better. Ms. Bittner added that in an area that is supposed to be safe, these things should be investigated.

Dr. Pedicone cautioned Mr. Holder about advising clients to stay away from State Board meetings when clarification from the client may be needed.

Mr. Holder noted that he advised this client not to come because of the distance he would have had to travel.

Ms. Farley stated that the members have the same options received in the executive session and that the Board also has the option to re-schedule to allow Mr. Miller an opportunity to appear before the State Board.

Motion by Dr. Pedicone to accept the recommendation of the PPAC and approve Dann L. Miller’s application for certification. Seconded by Ms. Hoover. *Motion passes.*

5. CALL TO THE PUBLIC

No requests to address the Board were received at this time.

6. GENERAL SESSION

A. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny Certification for the Following Individuals:

1. Judith A. Karlson, Case No. C-2004-101R

Mr. Yanez presented the background information as provided.

Motion by Ms. Hoover to accept the recommendation of the PPAC and deny Judith Karlson's application for certification. Seconded by Ms. Kramer. *Motion passes.*

2. David D. Nelson, Case No. C-2004-193R

Mr. Yanez presented the background information as provided.

Motion by Ms. Bittner to accept the recommendation of the PPAC and deny David Nelson's application for certification. Seconded by Dr. Diethelm. *Motion passes.*

3. David T. Ross, Case No. C-06-03-04R

Mr. Yanez presented the background information as provided.

Mr. Ross addressed the Board stating he was disappointed and ashamed to be in front of the Board and asked for re-consideration of his Arizona teaching certification application. He stated that he had made poor decisions and suffered the consequences. He added that he was treated differently than many of the teachers he worked with. He noted that the district's decision to criticize his teaching was based on the principal's subjective viewpoint. Mr. Ross stated the expectations were changed every time he reached a goal and there was no way he was going to be allowed to succeed, and that resignation was his only option. Mr. Ross stated that he regretted that he lied on his application since he marked "no" indicating there was not a charge against him because he was unaware of the action taken against him in Florida. Dr. Pedicone and Superintendent Horne noted that saying something that one knows is not true is lying and Mr. Ross stated he did not lie because he did not know of the Florida allegations. Mr. Yanez added that the PPAC was aware that Mr. Ross did not know and that the PPAC looked at the notice that was sent, which Mr. Ross said he was unaware of.

Motion by Ms. Bittner to adopt the findings of fact and conclusions of law of the PPAC that Mr. David Ross engaged in immoral and unprofessional conduct and deny certification for Mr. David T. Ross.

Seconded by Ms. Kramer. *Motion fails.*

Roll Call vote:

Yes: Ms. Bittner, Ms. Kramer

No: Ms. Basha, Dr. Diethelm, Ms. Hilde, Ms. Hoover, Mr. Horne, Dr. Pedicone.

Motion by Ms. Hoover to approve the application for certification for Mr. David Ross as Ms. Hoover believes he told the truth. Seconded by Ms. Hilde. *Motion passes.*

Superintendent Horne noted that he hesitates to vote against PPAC recommendations and suggested that a representative from the PPAC attend this portion of State Board meetings to offer further rationale and assist members in making final decisions.

Ms. Basha added that this is difficult but more clarity in the information provided from the PPAC would be helpful in understanding the rationale for recommendations sent to the Board. Ms. Basha added that better stating the case could be done in place or sending a representative at the Board meetings.

Mr. Yanez responded that he will make this suggestion to the PPAC at the next meeting.

4. Trent Straub, Case No. C-2004-115R

Mr. Yanez presented the background as provided.

Mr. Straub provided copies of letters of recommendation and reiterated background information stating that he now has an ignition interlock device on his car to prove he is not drinking. Mr. Straub noted this shows he is committed to abstinence. He noted he wants to be a good teacher and good example and realizes a teacher has a responsibility to behave in a manner that is pleasing to society. Mr. Straub stated that four of the additional charges that were brought against him have been dropped in court and that he

believes it is unconstitutional to have these charges brought against him after they have been dropped by a court of law. Mr. Straub added that to be labeled violent and immoral is harsh but that he had made unwise decisions on his personal time, but is now trying to do everything he can to change his life. Mr. Straub explained that he misunderstood some of the questions on his certification application and answered incorrectly regarding past charges.

Ms. Farley clarified that some of the information given to the Board today was not available to the PPAC at the time of their hearing. In addition, Ms. Farley stated that on a certification application there are two questions that ask if the person has ever been arrested for a crime for which they were fingerprinted and if the person has ever been convicted, which require two separate answers.

Ms. Kramer noted that the ignition device is a requirement in order for Mr. Straub to drive.

Further discussion ensued as members asked for clarification regarding the support group Mr. Straub was asked to participate in and about his sponsor. Mr. Straub explained that he did not feel comfortable in the original group and was in the process of applying for assistance so he could afford to get into a group through AHCCCS.

Motion by Dr. Diethelm to remand Mr. Straub's case to the PPAC for consideration of the additional evidence, specifically the letters of reference and the support system plans. Seconded by Ms. Bittner.

Motion passes.

Ms. Basha urged Mr. Straub to furnish complete information to the PPAC in order for them to make an informed decision. Mr. Straub noted that he now understood why all information is necessary.

B. Presentation, Discussion and Consideration to Approve a Recommended Definition and Framework for the Governor's "Master Teacher" Initiative to Forward to the Governor.

Ms. Farley made introductory comments highlighting the Governor's request for public forums to be held on this topic and requesting a proposed framework. (Please see information in materials packet.) Ms. Farley added that staff recommends forwarding this framework to the Governor's Office after having received no additional comments from the education community.

Ms. Becky Hill, Education Advisor, Office of the Governor, noted this is a pilot program starting from seed monies. She added that this framework identifies what a master teacher should be and the professional development necessary to attain this level. Ms. Hill noted that implementation will need:

- Positive year one review of the pilot program;
- Support network to help teachers become successful;
- Universities looking at curriculum in teacher preparation programs;
- Ongoing goal of impacting teacher retention and student achievement;
- Development of a core of master teachers;
- Placing a master teacher in every classroom; and
- Development of a certificate that is tied to this program.

Ms. Hill added that putting teacher reform at the front end is included in the sequence for reform and the Governor needs the help of the State Board to do this. She noted that many quality programs already exist through the Arizona K-12 Center, the Arizona Department of Education and at the national level. These will be utilized to form a program that will be marketable to raise support for master teachers and to let schools/teachers know the direction this program is going.

Ms. Hill noted the method for nominating candidates for this program can include self-nominations and requested one member of the State Board to serve on the selection committee. She also noted that the K-12 Center may be able to provide this training as it is time to allow the K-12 Center to be what they were intended to be - an outlet for professional development focused on student achievement based on best practices. Ms. Hill noted that Governor Hull had it right when she created the K-12 Center and we need to take them to that next level and allow them to grow. She added that the K-12 Center is very good at finding the most current knowledge and practices so teachers are being trained on what they need to know in the modern environment.

Ms. Hill outlined the benefits and responsibilities in the master teacher program:

- Mentor peers in the classroom and out of the classroom;
- Three years of service as a master teacher;
- May stay in their own districts;
- May decide to continue mentoring or return to their own classroom;
- Help teachers advance to a higher level;
- Refinement in skills;
- Funding for up to 10 teachers at a time;
- Districts supported by partial financial support to hire a new teacher when moving a master teacher out of the classroom;
- Invest in National Board Certification keeping Arizona competitive at the national level; and
- Requires teachers to build a portfolio.

Ms. Hill summarized by stating this program recognizes, rewards and advances skills of a master teacher and develops a new core of master teachers through mentoring and funding professional development opportunities and processes of a national board certificate. She added that outside funding is being sought at this time to be invested in schools that receive funding for full-day Kindergarten to insure long-term success. A goal is to build a quality work force in high poverty areas where teacher retention is already an issue. Ms. Hill reported that the dollars will be used for:

- One-time stipends for master teachers;
- Funding master teacher academies;
- Subsidizing districts; and
- Providing national board scholarships

Beginning with the year-one full-day Kindergarten schools.

Ms. Hill offered to provide monthly updates to the State Board regarding the Governor's plans for this program. Ms. Hill also noted that in the development of this framework all ideas that came to the table were talked through and the working group agreed on the final framework that was presented today. The area to be finalized now is how to credential the master teacher.

Ms. Farley added that issues were worked through with an understanding of the clear vision that was set by the Governor. The emphasis was to start on a small scale as lessons are learned along the way in order to grow into a successful program.

Motion by Ms. Bittner to approve the Master Teacher Program recommendations and forward them to Governor Napolitano. Seconded by Ms. Kramer. *Motion passes.*

C. Presentation, Discussion and Possible Consideration to Approve Modifications To the AZ LEARNS Accountability Formula, Including, But Not Limited To, the Formulas For:

1. Extremely Small Schools, and
2. Alternative Schools

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, presented the preliminary impact data of alternative and extremely small schools, which is a separate profile for high schools and K-8 schools. See PowerPoint presentation in materials packet.

Some discussion ensued regarding those schools specializing in students with disabilities that are unable to meet the requirements. Dr. Franciosi noted that these schools are still on the list as AIMS-A, alternative.

Dr. Diethelm noted that some students may never achieve to the expected standards and it is a mistake to punish them and wondered if there was a legal recourse in defining alternative with this exclusion from the classification process. Dr. Franciosi noted there is a different evaluation for these kinds of schools that was not in place two years ago.

There was consideration about doing a site visit for a final evaluation or gathering information without a site visit to allow exclusion from labeling because of the specialty nature of the school. The caution is to not open a door for other schools to claim the same status and try to get a label exemption. Ms. Hilde

suggested a list of exceptionalities for schools to meet could be prepared that would allow them to be exempt from a label for two years and then they could re-apply.

Ms. Farley noted that statute requires the adoption of a system based on methodology for establishing a profile for every school in the state, and allows for alternative parallel systems for extremely small schools and alternative schools. In terms of verbiage used, she recommended they postpone profiles on the schools determined to be exceptions and then if the final recommendation of the Board is that these schools should be entirely exempt from a profile then a statutory change should be made.

At this point, Dr. Franciosi explained that due to time constraints, underperforming alternative schools will have to receive a postponement or pending profile. At a future date, the Board can then consider additional formula criteria. Dr. Diethelm suggested releasing the performing alternative schools classifications and note that the others are still in review. Ms. Farley asked for a motion to ensure the Board's will is implemented and to carry the weight of full Board action.

Motion by Superintendent Horne to approve release of the performing alternative schools on October 15, 2004, and that the schools that have been tentatively labeled underperforming show that they are pending and that the Department will come back to the Board with a recommendation as to how to treat those schools. Seconded by Dr. Pedicone. *Motion passes.*

D. Presentation, Discussion and Consideration to Approve Establishing A Partnership with the National Council for Accreditation of Teacher Education (NCATE).

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background information as provided. (Please see material packet). Discussion ensued regarding the advantages in establishing this partnership and Ms. Wiebke explained that universities may or may not choose to be accredited by NCATE but by the ADE establishing a partnership with NCATE, institutions applying for accreditation would not have to go through two separate processes. Ms. Wiebke added that there are mixed feelings in the universities about NCATE accreditation so the Arizona Department of Education has been careful not to require institutions of higher education to pursue NCATE accreditation, but rather this partnership could provide an opportunity to guide Arizona as our standards are developed for program reviews.

Superintendent Horne noted that NCATE is extremely demanding and if a school is accredited by NCATE it is a good sign that we could accept those schools. The problem is that many schools don't want to deal with it because it is so demanding.

Ms. Wiebke added that we would be able to glean from NCATE's expertise and research regarding teacher preparation. Dr. Pedicone stated that departments at the University of Arizona are looking at this possibility and Ms. Hilde added that this would allow Arizona to get the newest information regarding best practices, etc. as well, even if no universities choose to become accredited.

Motion by Ms. Kramer to approve establishing a partnership with the National Council for Accreditation of Teacher Education. Seconded by Ms. Hilde. *Motion passes.*

- E. Presentation and Discussion Regarding Teacher Quality, Including, But Not Limited To:
1. Updates on Certification Reform Activities, Including Initial Draft Rules Regarding Administrative Certificates, Alternative Paths to Certification and Certification Renewal, as well as the Activities of the Performance Assessment Subcommittee
 2. Updates on Teacher Preparation Program Evaluation Committee Activities, and
 3. Development of Teacher Induction Standards.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background information and updates noting that all efforts are collaborative with a pool of talented people throughout the state. Members expressed appreciation for a concise and well-thought-out plan. Dr. Diethelm wondered if standard evaluation tools would be advantageous. Ms. Wiebke noted that performance assessment is part of Board rule and they are being careful to separate out licensure from evaluation and also recognize the needs of districts. They would like to see a system that is grounded in the Arizona Professional Teaching Standards that starts in the teacher

preparation programs so teachers see this as a logical step in moving their practice forward without creating unnecessary hoops for teachers to jump through.

Dr. Diethelm stated that it is good to understand the pathway but cautioned that we must not forget the goal is to educate the student. Mr. Horne agreed and noted one of his requests to the legislature this year is to enhance the computer system so student progress under a particular teacher can be tracked.

Ms. Hilde clarified that originally a teacher only had to prove a base of knowledge to be certified and the ability to teach is another layer, which is proven by the performance assessment, while maintaining a strong differentiation between evaluation done at the district level and the assessment done for certification.

F. Presentation, Discussion and Consideration for Board Action Regarding The Request from Capella University for Approval of Their Professional Preparation Programs, Pursuant to State Board Rule R7-2-604.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background information and options available to the Board as provided in the materials packet.

Dr. Diethelm noted that more rigor is needed in our institutions, not less, and moved that Capella's request for a full Institutional Recommendation be denied based on deficiencies in meeting the requirements of R7-2-604. Seconded by Superintendent Horne.

Further discussion clarified that Capella students can still come for a course-by-course evaluation of their transcripts to be certified as an administrator in the state of Arizona. Regarding Capella University, they would not receive the IR status but would be welcome to re-apply at a future time under the new rubric. Ms. Wiebke noted that Capella's IR status expires in November 2004 and at this time the review instrument for IRs is being redesigned and should be completed after the first of the year. At that time institutions may re-apply to be evaluated.

Dr. Pedicone asked if there were any additional recommendations from ADE other than the motion that is on the table and Ms. Wiebke responded that the options presented to the Board were the result of the review committee.

Ms. Farley stated that the options presented are based on the following consensus of the review committee:

- Capella does not qualify under current Board rule for the requested full approval, and
- The review committee was not comfortable recommending that Capella receive continued conditional approval.

Ms. Priscilla McNulty, Legal Counsel for Capella University, stated that recommendation #2 is what Capella had asked for last time. Ms. McNulty reviewed Capella's history and intention of having an institutional presence in this state. She added that Capella's intention is not to flood the market with educational administrators and school psychologists, but that they have students in all 50 states and in 55 foreign countries. Ms. McNulty noted the following:

- Capella has been invited by NCATE to apply for approval;
- Dr. Charlotte Danielson is a consultant on these programs;
- Ms. McNulty thinks we are on the same page;
- She does not understand what is going on;
- Capella has made a substantial investment in Arizona;
- The ADE staff's assessment is disturbing and disingenuous in some ways;
- Capella does applications like this all day long, all over the country;
- Dr. Corkill called several times offering to meet with the ADE staff, answer questions, go over the application; many of Dr. Corkill's calls were not returned and he was refused;
- Capella did not get notification of any findings until late last Thursday afternoon;
- A lot of these issues are now off the table and what they are looking for is some kind of guidance;
- Capella does not understand how this application is deficient;
- Professor vitae are one-two page summaries as per the guidelines and further information can be supplied;

- Matrices are provided showing how students' coursework is measured;
- Capella is happy to provide any additional information needed because they do not want to be back in front of this Board next month complaining of this kind of treatment;
- R7-2-604 details only teacher proficiency assessment which ADE might want to apply to all proficiency tests but that is not what the rule says;
- The Rule is exclusionary, preventing a program from becoming a nationally based program and this is not where this Board wants to go;
- Dr. Corkill offered to sit on the committee looking over these regulations as an advisor, member or any other capacity and has been refused; why not include Capella in a collaborative effort;
- Capella has been sought out and invited by several states across the country who are going through this very same kind of evaluation and understand that the traditional regulations do not work for online education;
- By refusing to allow Capella to participate Arizona could be out of step;
- Capella's Arizona office is on Camelback Road where a staff person is available twice a month and the office is sometimes used to consult with students;
- Capella has 32 faculty members in Arizona who sometimes use this office;
- Capella is an online university and there is not a central office to provide counsel;
- This is the 21st century where telephones, internet, face-to-face residencies 2-3 times per year are used, but not usually in a central location;
- Capella's activities in Arizona have been extensive;
- Capella has invested \$1.5 - \$2 million in Arizona in the last two years;
- Capella decided not to invest these dollars in a big office and staff; and
- Capella is willing to work with the State Board and asks that the State Board work with them.

Ms. Farley clarified that staff has been in contact with Capella over the summer and as reported at last month's meeting, it was believed that there could possibly have been a miscommunication about the process. This Board granted leeway to accept the application and follow the process of evaluation. Ms. Farley agreed that the current Board Rules do not consider online universities, which is not a made up shortcoming by staff that was applied specifically to Capella, but is something that is a possible deficiency of current Board Rules. This is one of the reasons the team was pulled together to consider revising the application and Rule, but as it stands now, 75% of program graduates is a State Board rule requirement for full program approval. Ms. Farley represented to the Board that of the evaluation committees that she has participated in, each institution that has received continued approval did meet that requirement. Staff has tried very carefully to apply the exact same process under this review. Ms. Farley stated it is somewhat disheartening to have staff criticized through the process for applying what is clearly in Board Rule. In addition, staff prepared options that allow Capella to continue operating under an IR in Arizona. Ms. Farley added that questions were asked of other universities whose applications were not forwarded to the Board until responses and clarifications were made to the review committee. Ms. Farley noted that this appears like Capella is being singled out because they are not in the process with the rest of the applications and assured members that this process was no different, Board Rule was applied and recommendations have been presented for consideration. Ms. Farley also noted that a request was received to participate in a professional preparation review committee and after clarification with ADE staff, Ms. Farley informed Capella that these are open meetings, the committee has been meeting for some time and while new members were not being added to the committee, additional input from additional participants is appropriate.

Ms. McNulty stated she thought the motion from the last meeting was for an extension of conditional approval through 2005, which was the same accommodation, made for other institutions. Ms. Farley clarified that the request was for a recommendation to be brought back to the Board as to whether or not continued conditional approval should be recommended. This is one of the options before the Board today. Ms. Farley noted the documents submitted by Capella had no additional revisions as to the fact that

they were not requesting full program approval. The committee tried to make sure the options before the Board provided consideration of both requests received both verbally and in hard copy.

Ms. McNulty responded that Capella would be happy with conditional approval through December 2005 as long as they could have a seat at the table and work on regulations with the committee as they could provide guidance that could be helpful to many institutions.

In response to further questions, Ms. McNulty added the following:

- The AEPA test is a requirement for full approval and not for a conditional and none of their graduates take the AEPA because they are not in teacher preparation programs; and
- Capella tracks their students by residence and out of their 431 students in this program, 10-15 are from Arizona who are still in the program.

Ms. Wiebke noted that the Department is sensitive to online programs moving forward in being receptive to higher education institutions that offer online classes. However they are still bound by Board Rule.

Dr. Pedicone asked what changes need to be made to the Rule for these types of schools to work in Arizona.

Ms. Wiebke reiterated that Board Rule states that 75% of students need to pass the AEPA, which encompasses certificates for teachers, supervisors, principals and superintendents. She added that clarification should also be made about location of office.

Ms. Farley offered that we have several preparation programs that are offering online programs but the participants are primarily Arizona students who go on to become Arizona certificate holders and therefore at least 75% are taking and passing the AEPA as currently required for full program approval.

Development of evaluation tools for programs such as Western Governor's University, Wayland Baptist University, Capella and others, and options regarding modifications to Board Rule will be brought to the Board for consideration early next year.

Dr. Pedicone commented that this model does not fit well with the Rule but at this point there is no other option since Capella does not meet the intent of the law/Rule in terms of full program approval. Ms.

Farley further stated that unless Capella changes the way they operate and require their program graduates to take the AEPA and insure at least a 75% pass rate, they would not be able to move up to that level. An extended conditional approval, based on the lack of attention that was given to this program over a number of years is being worked on, in an attempt to provide options for other considerations.

Ms. McNulty added that in looking at the Rules, 604 causes the confusion, as it looks at teacher proficiency assessment and the passage rate. The other proficiency assessments aren't even addressed until Rule 606. She noted that due to the confusion in the ruling, setting a conditional approval until 2005 is appropriate.

Superintendent Horne asked what percentage of graduates in Capella's program took the test and passed.

Dr. Phil Corkill said it was over 75% and having taught school law and leadership for the last 25 years in Arizona, Capella leadership courses are more rigorous than courses he teaches at UofA. He added that Capella's courses are matched to Arizona's standards. Dr. Corkill pointed out that the University of Phoenix has institutional approval, has 213,000 learners in the United States and it is hard for him to believe that they have a 75% passage rate of their education leadership program graduates that come to Arizona. Dr. Corkill stated that Capella is not interested in institutional recommendations to flood this market. Capella is interested in its master's degree program being approved because they can't get it approved in Minnesota. He added that he was surprised there was a visit to the office without his being notified.

Superintendent Horne noted there are some areas that can be looked at in the spirit of the rules that could be changed but that Capella has not helped their case by saying that ADE staff is disingenuous. He added that the staff gave the Board three equal options, which included the option that Capella is seeking, and in his experience ADE staff works very hard and diligently. He asked Capella to reconsider their statement.

Ms. McNulty reiterated that they have been trying to talk with staff all year and keep crossing paths and ending up on the wrong side of the fence. She noted that Dr. Corkill made no less than five or six phone calls trying to find out if there was a problem and if there was anything they could do. She added that they

understand they are out of step but are just trying to get this through and haven't received anything other than "no".

Ms. Basha noted we were not getting any new information and need to move on.

Ms. Wiebke was asked to clarify the difference between the IR requested and recognition of the master's program and can it be two paths? Her response is that the Board Rule is only about Institutional Recommendations and not about approving programs because there is no on-site visit performed to look at any aspects of a particular program.

Ms. Basha reiterated the motion to deny Capella's request for full Institutional Recommendation Program approval based on deficiencies in meeting the requirements of R7-2-604, which has been moved and seconded. *Motion passes.*

G. Presentation, Discussion and Consideration to Approve the List of State Board Approved Providers of Services to Students in Underperforming and Failing Schools Funded by the Tutoring Fund Established in A.R.S. §15-241(BB).

Superintendent Horne requested that this item be converted from an action item to an information item with the understanding that it will be presented at the next Board meeting for action for the following reasons:

- Results of the achievement profile process will be announced on October 15;
- Identification of failing schools will be an important element in this Board's decision;
- Proposals are being made to bring tutoring to this year's juniors who did not pass last year's AIMS;
 - Utilizing the \$4.5M in the failing schools tutoring fund from Prop 301 to prioritize students who failed AIMS
 - Legal questions are being discussed with respect to the way those funds are directed
- The Board will be kept informed as to the development of proposals and feedback received from the Attorney General
- The Board will be able to make an informed decision at the October meeting

Ms. Bittner added that lower grades should be included in these efforts to get this situation taken care of at an earlier start.

The Board recessed for lunch at 1:05PM and reconvened at 1:30PM. Ms. Hoover was absent for the remainder of the meeting due to illness.

Upon reconvening, Ms. Basha commended Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, and Ms. Patty Hardy, Supervisor of Certification Specialists, Arizona Department of Education, for their diligent work and highly professional manner in which they have conducted themselves.

H. Presentation and Discussion Regarding 2005 National Assessment of Educational Progress (NAEP) Activities.

Dr. Cindy Ziker, State National Assessment of Educational Progress (NAEP) Coordinator, updated the Board on activities and provided an information packet. Please see materials in packet. Dr. Diethelm asked how we were going to do on the NAEP test this year and Dr. Ziker stated she is hopeful.

I. Presentation, Discussion and Consideration to Determine Non-Compliance with the USFR and to Withhold State Funds Pursuant to A.R.S. §15-272 for the Following School Districts:

1. Country Gardens Educational Services, LLC
2. Ray USD #3
3. Red Mesa USD #27
4. Sacaton ESD #18
5. Whiteriver USD #20

6. Window Rock USD #8

Mr. Chad Sampson, Assistant Attorney General, presented the Uniform System of Financial Records (USFR) requirements via PowerPoint presentation. (Please see materials packet.)

Ms. Farley reported that Country Gardens Educational Services has been removed from the list as they have submitted their audit.

Mr. Stewart Waite, Business Manager, Red Mesa USD, stated he began this position a few months ago and they are in the process of putting facts together and working diligently with the auditors to complete a report.

Mr. Brenda Maloney, Business Manager, Sacaton ESD, reported that the district is in the process of completing its annual financial audit. Due to the fact that they have had a significant change in administrators they have had some difficulty in retrieving information. Currently they are operating with an interim superintendent and are hoping to have a full time superintendent by January.

Mr. Terry Quest, Business Manager, Whiteriver USD, stated the audit is done and they are waiting for the complete audit report. They expected the auditors in August but were told the auditors were doing more testing. At this time they are expecting the audit in 2-3 weeks and will submit as soon as possible.

Mr. Joseph Begay, Assistant Superintendent for Finance, Window Rock USD, stated the audit was scheduled for June 2004 in order to allow time to clarify some issues before the auditors came. They are hoping that they will have a report in the next month or so. A letter was sent to the State Board office last week noting the status of the audit.

Ms. Farley noted that members have a copy of the letter that states the auditors are waiting for information from the district in order to complete the audit.

Ms. Farley also clarified that once the Board takes action, staff notifies school finance of their actions to withhold a percent of state funds. As soon as notification is received from the Auditor General's Office that the audit is received, school finance is notified to reimburse any withholding as well as to return to the full amount. If a school/district is found to be out of compliance for substantive reasons, the Auditor General's Office must go back and conduct a site review to determine compliance. Today's decision is based on whether a report has been submitted or not.

Motion by Dr. Diethelm to determine that the following schools are out of compliance with the USFR for fiscal year ending June 30, 2003 based on the reports of the Auditor General and direct the Superintendent of Public Instruction to withhold 10% of state funds until the Auditor General reports that they are in compliance with the USFR by submitting the required reports:

- Ray USD #3
- Red Mesa USD #27
- Sacaton ESD #18
- Whiteriver USD #20
- Window Rock USD #8

Seconded by Ms. Hilde. *Motion passes.*

- I. Consideration to Approve Amended Settlement Agreement with Phoenix Newspapers, Inc., Regarding Release of High School AIMS Test Items. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding the Board's position in connection with this issue.

Ms. Nancy Oyen, Assistant Attorney General, noted that there was an agreement in 2002 and this revised agreement is presented for consideration since the specific timeline for setting and releasing test items was from June 1, 2002 through June 1, 2006. One of the issues was whether there was proprietary information, which was discussed again in early 2003, in an attempt to settle so both parties could benefit. Ms. Oyen noted that the agreement today supersedes the previous agreement in its entirety and benefits the state and parties because it allows for the appropriate release of items under the AIMS test but does not cause the state to incur further liability each year.

Dr. Lewis noted that the questions to be released will be approximately three years old and there will be approximately 40 items in math and 3 passages in reading released each year. She added that their goal is transparency with the public and newspapers so students can prepare.

Motion by Ms. Bittner to approve the amended settlement agreement with Phoenix Newspapers, Inc.

Seconded by Ms. Kramer. *Motion passes.*

Dr. Lewis added that it was gracious of the newspapers to come forward with this agreement reauthorization and thanked them for their public sensitivity in this matter.

7. Presentation and Discussion of Board Officer Nominating Committee Recommendations and Consideration to Approve the Slate of Candidates.

Ms. Basha chaired the nominating committee as out-going President with committee members Ms. Bittner and Ms. Hilde. The committee met after the Study Session on September 20, 2004. The two positions to be nominated are President and Vice President and the desire of the committee is to maintain a sense of continuity and ongoing commitment to the issues at hand. Ms. Basha announced the committee's recommendation of Dr. Matthew Diethelm as President and Ms. JoAnne Hilde as Vice President adding that they will continue working as a team for a smooth transition.

Motion by Dr. Pedicone to approve the slate of candidates for the 2005 Board leadership team as presented by the Nominating Committee. Seconded by Ms. Bittner. *Motion passes.*

8. CONVENE AS THE STATE BOARD FOR VOCATIONAL EDUCATION

A. Consideration to Approve Contract Abstracts

Motion by Dr. Diethelm that the State Board of Education adjourn at 2:15 PM and reconvene as the State Board for Vocational Education. Seconded by Dr. Pedicone. *Motion passes.*

9. ADJOURN BOTH THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR VOCATIONAL EDUCATION.

Ms. Farley noted that this is a Service Learning grant, which is being awarded parallel with the Board's efforts to develop Service Learning guidelines as required by statute.

Motion by Dr. Diethelm to approve the contracts as presented. Seconded by Dr. Pedicone. *Motion passes.*

Motion to adjourn as the State Board for Vocational Education by Dr. Diethelm. Seconded by Dr. Pedicone. *Motion passes.*

Meeting adjourned at 2:18 PM.